

HOUSE BILL 421  
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 9  
and Title 63, relative to depositions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 9, is amended by adding  
the following as an appropriately designated section:

§24-9-1\_\_\_\_.

(a) Except where otherwise provided by law, including, but not limited to,  
workers compensation proceedings, licensed physicians may charge a reasonable fee  
for providing testimony by deposition, provided that such fee shall not exceed five  
hundred dollars (\$500) for the first hour of such deposition. The fee charged for a  
deposition exceeding one (1) hour in duration shall be reasonable and shall be pro-rated  
in tenths of an hour increments, not to exceed five hundred dollars (\$500) per hour.  
Physicians shall not charge for the first quarter hour of preparation time for a deposition.  
In instances requiring over two tenths (.2) of an hour of preparation time, charges for  
preparation time shall be negotiated between the physician and the attorney requesting  
the deposition.

(b) Licensed physicians may charge a reasonable fee for preparing a narrative report or affidavit, provided that such fee does not exceed two hundred fifty dollars (\$250) per hour, to be pro-rated in tenths of an hour increments.

(c) Nothing in this section shall be construed as superseding any provision of law that establishes costs for reproduction, copying or mailing of records that do not involve preparation, by the physician, of a narrative report or affidavit. Nothing in this section shall be construed to prevent obtaining records by subpoena duces tecum, pursuant to existing law.

(d) If a licensed physician fails to comply with the provisions of this section, a petition for compliance, naming such physician as respondent, may be filed with the court with jurisdiction over the case for which the deposition is sought. Such court, after affording such physician an opportunity to respond to the petition, may grant appropriate relief including, but not limited to, the following:

(1) an order limiting any fee to the amounts authorized by this section;

(2) a notice to the board of medical examiners, subjecting the physician to appropriate disciplinary action;

(3) loss of the exemption from subpoena to trial pursuant to §24-9-101;

and

(4) an award of reasonable attorney fees and costs to the petitioning party.

SECTION 2. This act shall take effect on July 1, 2001, the public welfare requiring it.